

REMARKS

Claims 1-15 are pending in the instant application. Claims 1-15 have been rejected by the Examiner.

By the above amendments, Claims 4-5 and 13-15 have been canceled without prejudice, and Claims 1, 3 and 7 amended to more particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, Claim 1 has been amended so that the ferrocyanide (V) is recovered from an oxidative phenolic coupling reaction by "extraction with toluene"; and claims 2 and 7 amended to clarify the claims. Support for the amendment to Claim 1 is found on page 5, lines 27-35 of the specification as originally filed. Applicants submit that the amendments are fully supported by the specification as originally filed and no new matter is being added. After entry of the amendments, Claims 1-3 and 6-12 will remain pending and under consideration.

The Examiner has rejected Claims 3 and 7 under 35 U.S.C. §112, second paragraph. The Examiner objects that the use of a trademark in Claim 3 and the use of "e.g." in Claim 7 render them indefinite. By the above amendments, Claims 3 and 7 have been amended to delete the language objected to by the Examiner. Applicants therefore respectfully request that the Examiner withdraw the rejections under the second paragraph of §112.

The Examiner has rejected Claims 14-15 under 35 U.S.C. §101 "because the claimed recitation of a use, without setting forth any steps involved in the process, results in an improper definition of a process". Applicants have canceled claims 14 and 15, thereby rendering this rejection moot.

The Examiner has rejected Claims 13-14 under 35 U.S.C. §102(e) as being anticipated by Czollner et al., U.S. Patent 6,407,229 ("Czollner"). By the above amendments, Claims 13 and 14 have been canceled thereby rendering this rejection moot.

The Examiner has rejected Claims 1-7 and 9-13 under 35 U.S.C. §103(a) as being unpatentable over Gao et al., U.S. Patent 5,419,817 ("Gao") in view of Czollner applied as above. The Examiner states:

The Gao patent discloses the claimed process for oxidizing an aqueous phase comprising ferrocyanide which is recovered from an oxidative organic reaction to an aqueous phase comprising ferricyanide in a divided electrochemical cell, which is divided by a Nafion cation selective membrane, preparing an anolyte comprising pretreating the aqueous phase comprising ferrocyanide, placing the anolyte in contact with an anode, placing a catholyte in contact with the cathode, applying electrical power to the divided cell for a time period sufficient to oxidize the ferrocyanide to ferricyanide. The reference further discloses the pretreatment steps, such as decanting, separating which is the same as filtering and extracting with an organic solvent. The patent further discloses the use of an alkali metal salt as the catholyte. The patent discloses the same types of materials used for the cathode. The reference further discloses the range of voltage. The patent further discloses the temperature range. The patent further teaches the monitoring step of recording the current passing through the cell.

The patent does not disclose that the ferrocyanide is obtained from an oxidative phenolic coupling reaction rather it is obtained from an oxidative organic reaction. The Czollner patent is cited to show the use of ferrocyanide in an oxidative phenolic coupling reaction. Therefore, the invention as a whole would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the disclosure of the Gao patent to obtain the aqueous

ferrocyanide solution from an oxidative phenolic coupling reaction, because the Czollner patent teaches the use of ferricyanide to produce said reaction. (citations omitted)

Applicants respectfully traverse the rejection.

By the above amendments, Claim 1 has been amended to require that the pretreatment step is done by extraction with toluene. Applicants submit that neither Gao nor Czollner teach or disclose conducting the pretreatment step by extraction with toluene. Moreover, Applicants have unexpectedly discovered that extraction with toluene of the aqueous phase recovered from an oxidative phenolic coupling reaction has a beneficial effect on the electro-oxidation process. First, applicants observed that an aqueous phase pretreated by extraction with toluene still contains suspended particles, but these suspended particles do not seem to hinder the electro-oxidation reaction any longer. Second, one would expect that the extraction procedure would remove organic material but less so free iron. At the time of the invention, one of ordinary skill in the art would have expected that removal of the suspended organic material would not have an impact on the electro-oxidation process, but would expect that removal of free iron would have such an impact. However, Applicants have unexpectedly found that the claimed extraction with toluene has a beneficial effect on the electro-oxidation process even though free iron is not removed (See, page 5, line 6 - page 6, line 10). Thus, Applicants maintain that the Examiner has failed to establish a prima facie case of obviousness, and Applicants respectfully request that the Examiner withdraw the rejection under §103(a).

In view of the above amendments and remarks, Applicants maintain that the application is in condition for allowance and passage to issue is earnestly requested.

Applicants do not believe any fees are associated with the filing of this Response. However, in the event applicants are mistaken, authorization is hereby provided to charge any and all fees required by this paper to Deposit Account No. 10-0750/PRD2006USPCT1/MAA.

Respectfully submitted,

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